

such discovery or relief as is thereby sought and prayed for from or against this defendant. That this defendant is not a necessary, material or proper party to any litigation in respect of or relating to any matters of equity pretended in said bill of complaint against his co-defendants ; and that said bill contains and alleges several distinct matters and causes in no way dependent or associated with each other, or proper to be litigated in one suit.

Upon this demurrer the Chancellor delivered the following opinion.]

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THE CHANCELLOR.

To the bill filed in this case, the defendant, Henry White, has demurred, and for cause of demurrer says, "that the said complainant hath not in, and by his said bill, made or stated such a case as doth or ought to entitle him to any such discovery or relief as is thereby sought and prayed for from or against this defendant," "and that the said defendant is not a necessary, material, or proper party to any litigation in respect of or relating to any matter of equity pretended in said bill of complaint against his co-defendant."

This demurrer was submitted by the defendant, Henry White, during the sittings of the term, and is now, under the rule, laid before the court for decision, upon an argument in writing on his part.

The bill has been carefully read and considered, and I am of opinion that it does not state a case upon which the complainant can, upon the principles which govern pleadings in equity, be entitled to a discovery and relief against this defendant.

Henry White was not a partner in the firm of John C. White & Sons, and cannot be called upon to account in the capacity of a partner, and if he is liable at all to the complainant for any thing connected with the affairs of the partnership, it is in respect of the allegation that Campbell P. White, who was a partner, "is about to receive, if he has not already done